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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1666-1690

[Approved by the Acting Secretary of Agriculture, Washington, D. C., July 29, 1939]

1666. Misbranding of Cre-O-Tol. U. S. v. Clarence E. Worthen (American Proprietary Syndicate and American Drug Sales Co.). **P. 30399.**
Sentence suspended and defendant placed on probation for 1 year.
(I. & F. No. 2040. Sample No. 54778-C.)

The labeling of this product bore false and misleading representations regarding its effectiveness as a disinfectant and also failed to indicate the presence of the inert substance, water.

On May 3, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Clarence E. Worthen, trustee in a declaration of trust for the American Proprietary Syndicate and trading as the American Drug Sales Co. at Malden, Mass., alleging shipment by said defendant on or about July 29, 1937, from the State of Massachusetts into the State of Maine of a quantity of Cre-O-Tol, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "As a Disinfectant Waste Pipes, Garbage Can, Kitchen-Sink and Tubs Teaspoonful to quart of water Scrubbing and Cleansing, Sprinkling Cellar. Tablespoonful to pail of water. In the Sick Room. Teaspoonful to a quart of water. Wash clothing, vessels, linen, floors, and woodwork," borne on the bottle label, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that the article would disinfect waste pipes, could be relied upon to disinfect the cellar when used as directed, and would be an effective disinfectant for garbage cans, kitchen sinks and tubs, for the sickroom, on clothing, vessels, linens, floors, and woodwork, when used at the dilutions recommended; whereas it would not be effective for the said purposes when used as directed at the dilutions recommended.

The article was alleged to be misbranded further in that it consisted partially of an inert substance, namely, water, which substance does not prevent, destroy, repel, or mitigate insects or fungi (bacteria) and the name and percentage amount of the said inert substance were not stated plainly and correctly on the label affixed to the bottle containing the article; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substance present therein stated plainly and correctly on the bottle label.

The information also charged misbranding of this, as well as other products, in violation of the Food and Drugs Act, reported in notice of judgment No. 30399 published under that act.

On February 21, 1939, the defendant entered a plea of guilty and the court suspended imposition of sentence and placed the defendant on probation for a period of 1 year.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1667. Adulteration and misbranding of De Luxe De-Chlor. U. S. v. 132 Cans of De Luxe De-Chlor. Default decree of condemnation and destruction. (I. & F. No. 2115. Sample No. 34748-D.)

This product contained smaller proportions of calcium hypochlorite and available chlorine and a larger proportion of inert ingredients than declared on the label. Its labeling also bore false and misleading claims regarding its disinfectant properties.

On February 23, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 132 cans of De Luxe De-Chlor at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about February 4, 1939, by the De Luxe Products Co. from Detroit, Mich.; and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was labeled "Active Ingredients Alkaline Sodium Phosphate 46% Calcium Hypochlorite 18% Inert Ingredients 36% * * * (Available Chlorine 6.0%)"; whereas it contained less than 18 percent of calcium hypochlorite, less than 6 percent of available chlorine, and more than 36 percent of inert ingredients.

The article was alleged to be misbranded in that the aforesaid statements were false and misleading and by reason of the said statements it was labeled so as to deceive and mislead the purchaser. It was alleged to be misbranded further in that the following statements in the labeling were false and misleading and by reason of the said statements it was labeled so as to deceive and mislead the purchaser since they represented that it was an effective disinfectant in the dilutions specified and that solutions prepared as directed contained 200 parts per million or 100 parts per million of available chlorine; whereas it was not an effective disinfectant in the dilutions specified and solutions prepared as directed would not contain 200 parts per million or 100 parts per million of available chlorine: "Process 1:—For disinfecting glassware, dishes, silverware, etc., in a final rinse. By this process we recommend this product as a germicidal rinse. First dissolve ½ ounce of this powder to each gallon of water used. Always use a clean receptacle. This solution will provide available chlorine in a strength of 200 parts per million (200 p.p.m.). Wash utensils in a proper manner then immerse them in the solution above for a minimum of two minutes * * * Process 2:—This process may be used for combination washing and disinfecting of Bar China and Glassware and is not recommended for glassware or china that does not rinse easily. First: Rinse glass or chinaware under running water (preferably hot) so that as much of the organic matter as is possible is removed. Second: Then wash articles in a solution made up of ½ ounce this powder dissolved in 1 gallon of water (see process 1. This mixture produces a solution of 200 p.p.m. available chlorine.) Third: Rinse articles again under running water and place on drainboard in an inverted position to dry. This last rinsing in clear running water removes odor of chlorine. You do not have to polish the glassware if process 2 is used as by this method glasses are left clear and sparkling. Some localities have health inspection. Consult your inspector or local health department; if they recommend only 100 p.p.m. of available chlorine for disinfecting, only ¼ ounce of this material need be used per gallon of water. Different localities have different regulations as to the amount of available chlorine they require in the disinfecting solution and as to the length of time they require that articles should be immersed; consult your local health department for these regulations."

On March 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1668. Adulteration and misbranding of Red Diamond Chlorinated Lime. U. S. v. 248 Cans of Red Diamond Chlorinated Lime. Default decree of condemnation and destruction. (I. & F. No. 2101. Sample No. 38812-D.)

This product contained a smaller proportion of available chlorine and a larger proportion of inert ingredients than declared on the label.

On January 9, 1939, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 248 cans of chlorinated

lime at Little Rock, Ark.; alleging that the article had been shipped in interstate commerce on or about September 4, 1937, by the Sinclair Manufacturing Co. from Toledo, Ohio; and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

Adulteration was alleged in that the strength and purity of the article fell below the professed standard and quality under which it was sold in that the can label bore the statement, "Active Ingredient, Not Less than 24% Available Chlorine Inert Ingredients, Not More Than 76%"; whereas the article contained less than 24 percent of available chlorine and inert ingredients in excess of 76 percent.

Misbranding was alleged in that the statements, "Active Ingredient, Not less than 24% Available Chlorine Inert Ingredients, Not More Than 76%," borne on the can label, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since it contained less than 24 percent of available chlorine and inert ingredients in excess of 76 percent.

On April 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1669. Misbranding of Pine Disinfectant and Coal Tar Disinfectant. U. S. v. 15 Gallon Cans of Royalite Pine Disinfectant and 19 Gallon Cans of Royalite Coal Tar Disinfectant. Default decree of condemnation and destruction. Product delivered to charitable institutions. (I. & F. No. 2116. Sample Nos. 59395-D, 59399-D.)

The labeling of the Pine Disinfectant bore false and misleading representations regarding its disinfectant properties and that of the Coal Tar Disinfectant bore false and misleading representations regarding its disinfectant, deodorizing, and germicidal properties. Neither product bore on its label a statement showing the quantity or proportion of the inert ingredient present.

On February 27, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 gallon cans of Royalite Pine Disinfectant and 19 gallon cans of Royalite Coal Tar Disinfectant at Bronx, N. Y.; alleging that the articles had been shipped in interstate commerce on or about February 4, 1939, by the Royal Soap Manufacturing Co. from Jersey City, N. J.; and charging misbranding in violation of the Insecticide Act of 1910.

The Pine Disinfectant was alleged to be misbranded in that the statements, "Disinfectant * * * Use diluted in water. Two cups to a pail of water is the usual proportion for scrubbing and cleaning, disinfecting and deodorizing," borne on the can label, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser since they represented that it was an effective disinfectant in the dilutions specified; whereas it was not an effective disinfectant in the dilutions specified.

The Coal Tar Disinfectant was alleged to be misbranded in that the statements, "Disinfects * * * A cup full in a pail of water makes a milky white soapy solution that thoroughly destroys odors—kills germs," borne on the can label, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser since they represented that it would destroy all odors, would kill all germs, and that it was an effective disinfectant in the dilution specified; whereas it would not destroy all odors, would not kill all germs, and was not an effective disinfectant in the dilutions specified.

Misbranding of both products was alleged further in that they consisted partially of an inert substance, namely, water, which does not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of the said inert substance were not stated plainly and correctly on the can label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the articles having fungicidal (bactericidal) properties and the total percentage of the inert substance present in the articles stated plainly and correctly on the label.

On March 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1670. Misbranding of Silver Germicide. U. S. v. Daniel Joseph Keefe (Keefe Chemical Co.). Plea of guilty. Fine, \$10. (I. & F. No. 2076. Sample No. 14653-D.)

This product was misbranded because of false and misleading claims regarding its effectiveness as a deodorant, antiseptic, and disinfectant and also because of other misrepresentations in the labeling. It was misbranded further because of failure to declare the inert ingredients present in the article.

On November 25, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Daniel Joseph Keefe, trading as Keefe Chemical Co., Boston, Mass., alleging shipment by said defendant on or about April 29, 1938, from the State of Massachusetts into the State of New Hampshire of a quantity of Silver Germicide, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

Misbranding was alleged in that the statements, "Silver Germicide," "Destroys offensive odors instantly and creates a clean, refreshing atmosphere. An instant deodorant. A flick of the finger and unpleasant odors disappear and are replaced with a clean fragrant atmosphere. It destroys after-cooking kitchen odors, and eliminates the odor of stale tobacco smoke," "An effective antiseptic wherever there is sickness. Spray directly into the sick room," "Aid Protection against Infection," and "For superficial cuts, minor wounds, and bites of non-venomous insects, spray directly upon the infected surface," borne on the bottle label, were false and misleading and by reason of said statements the article was labeled so as to deceive and mislead the purchaser since they represented that it contained silver; that it would destroy odors instantly, would cause unpleasant odors to disappear, would destroy after-cooking kitchen odors, would eliminate the odor of stale tobacco smoke, and would create a clean and refreshing atmosphere; that it would be an effective antiseptic when sprayed in the sick room; that it would protect against infection, and would constitute an effective treatment for infected cuts, wounds, and bites of nonvenomous insects; whereas it did not contain silver and would not be effective for the purposes claimed.

Misbranding was alleged further in that the article consisted partially of an inert substance, namely, water, which substance does not prevent, destroy, repel, or mitigate fungi (bacteria) and the name and percentage amount of such inert ingredient were not stated plainly and correctly on the bottle label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal properties, and the total percentage of the said inert substance stated plainly and correctly on the label.

On February 21, 1939, the defendant entered a plea of guilty and the court imposed a fine of \$10.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1671. Adulteration and misbranding of Leadzinc. U. S. v. Niagara Sprayer & Chemical Co., Inc. Plea of guilty. Fine, \$150. (I. & F. No. 2104. Sample Nos. 10367-D, 10378-D, 29002-D.)

This product contained a smaller proportion of the active ingredient lead arsenate, and a larger proportion of the inert ingredients than declared. Two of the three shipments contained a smaller proportion of arsenic, expressed as metallic, than that declared on the label.

On March 15, 1939, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Niagara Sprayer & Chemical Co., Inc., trading at Jacksonville, Fla., alleging shipment by said company on or about March 1 and 10, 1938, from the State of Florida into the State of Georgia of quantities of "Leadzinc," which was an adulterated and misbranded insecticide, other than paris green and lead arsenate, within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statements appearing on the labels, (all shipments) "Active Ingredient Lead Arsenate not less than 33.2%. Inert Ingredients (including Zinc Compounds) not over 66.8%," and the further statements (two shipments) "Arsenic (as Metallic) not less than 6.47%," represented that the standard and quality of the article were such that it contained lead arsenate as the active ingredient in a proportion of not less than 33.2 percent, inert ingredients in a proportion of not less than 66.8 percent, and that two of the three shipments contained total arsenic, expressed as metallic, in a proportion of not less than 6.47 percent; whereas it contained a smaller proportion of lead arsenate and a larger proportion of the inert ingredient than so declared, and two of the three shipments contained arsenic, expressed as metallic, in a proportion less than that declared.

It was alleged to be misbranded in that the aforesaid statements were false and misleading and by reason of these statements, it was labeled so as to deceive and mislead the purchaser since it contained a smaller proportion of lead arsenate and a larger proportion of inert ingredients than so represented, and two of the three shipments contained a smaller proportion of arsenic, expressed as metallic, than that declared.

On March 27, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$150.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1672. Adulteration and misbranding of High Grade Pine Oil Disinfectant and misbranding of High Grade Disinfectant. U. S. v. Sun Klean Chemical Co., Inc. Plea of guilty. Fine, \$100. (I. & F. No. 2092. Sample Nos. 25948-D, 25949-D.)

This case involved a product labeled "High Grade Pine Oil Disinfectant," which was adulterated with mineral oil, and another labeled "High Grade Disinfectant," which bore on its labeling false and misleading claims regarding its disinfectant properties. Neither product bore on its label a statement of the quantity or proportion of the inert ingredients contained therein.

On February 17, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sun Klean Chemical Co., Inc., New York, N. Y.; alleging shipment by said company on or about June 24, 1938, from the State of New York into the State of New Jersey of quantities of the above-named products, of which the former was adulterated and misbranded and the latter was misbranded in violation of the Insecticide Act of 1910.

The Pine Oil Disinfectant was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, "Pine Oil Disinfectant," since mineral oil had been substituted in part for pine oil.

The Pine Oil Disinfectant was alleged to be misbranded further in that the statement "High Grade Pine Oil Disinfectant," borne on the can label, was false and misleading and by reason of said statement it was labeled so as to deceive and mislead purchasers, since said statement represented that it was a high-grade pine-oil disinfectant; whereas it was not a high-grade pine-oil disinfectant.

The High Grade Disinfectant was alleged to be misbranded in that the following statements borne on the can labels, "Disinfectant * * * Directions for use. For Woodwork and Wood Floors.—One part of Disinfectant to 100 parts water will aid in removing grease and other stains. For Outdoor Closets and Garbage Receptacles.—Sprinkle thoroughly with one part of Disinfectant to 100 parts of water. This solution will aid in removing foul odors and germs in cesspools, vaults, etc. For Housecleaning.—One part Disinfectant to 100 parts water. Wash floors with this solution regularly. This product will aid in removing grease and odors from sinks, refrigerators and kitchen utensils, and aid in keeping them clean and wholesome. To Aid in Disinfecting Ships and Cars.—ferryboats, emigrant vessels, stock cars, and yards, sprinkle and wash floors, bunks and walls thoroughly with one part Disinfectant to 100 parts water. For Flushing sewers, stables, cellars, etc., and for sprinkling streets during epidemics of contagious diseases, use one part Disinfectant to 100 parts water, as a preventive measure. Cuspidors, in public places or used by those having infectious diseases, should contain a solution of Disinfectant, about one-half teaspoonful to each cuspidor, as a preventive measure. For Household Uses To Aid in Disinfecting Water Closets, flush the hopper each day with one part Disinfectant to 100 parts water. Use freely in sinks, urinals, drains, etc.," were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead purchasers, since they represented that it was a high-grade disinfectant, that it would disinfect cesspools, vaults, sewers and drains, stock cars and yards when used as directed, would disinfect when applied by sprinkling, and was an effective disinfectant in the dilution specified; whereas it was not a high-grade disinfectant, it would not disinfect cesspools, vaults, sewers, drains, stables, stock cars and yards when used as directed, would not disinfect when applied by sprinkling, and was not an effective disinfectant in the dilution specified.

Both products were alleged to be misbranded further in that they consisted partially of inert substances, namely, water and mineral oil, which do not prevent, destroy, repel, or mitigate fungi (bacteria), and did not have the name and percentage amount of each of the said inert ingredients stated on the label;

nor in lieu thereof did the labels bear a statement of the name and percentage amount of each and every ingredient of the articles having fungicidal properties and the total percentage of inert ingredients present therein.

On March 2, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1673. Adulteration of lead arsenate. U. S. v. Niagara Sprayer & Chemical Co., Inc. Plea of guilty. Fine, \$200. (I. & F. No. 2096. Sample Nos. 25925-D, 26323-D.)

This product contained a smaller proportion of lead arsenate and larger proportions of the inert ingredients and of arsenic in water-soluble form, expressed as metallic arsenic, than those declared on the label.

On February 20, 1939, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Niagara Sprayer & Chemical Co., Inc., Middleport, N. Y., alleging shipment by said company on or about May 27 and June 17, 1938, from the State of New York into the States of New Jersey and Connecticut, respectively, of quantities of Niagara Suspenso Lead Arsenate, which was an adulterated insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, namely, (both lots) "Lead Arsenate not less than 98%, Inert Ingredients not more than 2%," (one lot) "Arsenic as metallic in water soluble forms not more than .5%," (other lot) "Arsenic in Water Soluble Forms (expressed as Metallic) not over .50%."

On May 27, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1674. Adulteration and misbranding of sodium fluoride. U. S. v. Sterling Products Co. Plea of nolo contendere. Fine, \$50. (I. & F. No. 2090. Sample Nos. 18269-D, 18270-D.)

This product contained a smaller proportion of sodium fluoride than it was represented to contain. Its labeling also failed to bear a declaration of the inert ingredients present in the article.

On January 23, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sterling Products Co., a corporation trading at Easton, Pa., alleging shipment by said company on or about February 9 and June 17, 1938, from the State of Pennsylvania into the State of California of quantities of sodium fluoride, which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, (one lot) "Sodium Fluoride Light * * * 95%," (other lot) "Sodium Fluoride Light 95/97%."

Both lots were alleged to be misbranded in that the article consisted partially of inert substances, namely, substances other than sodium fluoride, which said substances do not prevent, destroy, repel, or mitigate insects, and it did not have the name and percentage amount of each of the said inert ingredients plainly and correctly stated on the label; nor in lieu thereof did the label bear a statement of the name and percentage amount of each ingredient of the article having insecticidal properties and the total percentage of the inert ingredients present therein.

One lot of the article was alleged to be misbranded further in that the statement "Sodium Fluoride 95%," borne on the drum label, was false and misleading and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since it represented that the article contained not less than 95 percent of sodium fluoride; whereas it did contain less than 95 percent of sodium fluoride.

On March 24, 1939, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1675. Adulteration and misbranding of Sunny Clean Household Bleach and Cleaner. U. S. v. 100 Bottles of Sunny Clean Household Bleach and Cleaner. Default decree of condemnation and destruction. (I. & F. No. 2102. Sample No. 50224-D.)

This product contained a larger proportion of inert ingredients and a smaller proportion of sodium hypochlorite than declared. Its label also bore false and misleading representations regarding its effectiveness as a disinfectant.

On January 25, 1939, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 bottles of Sunny Clean Household Bleach and Cleaner at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about September 24 and October 19, 1938, by the Lyon Products Co., Inc., from Atlanta, Ga.; and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was labeled "Inert Ingredients 95% Sodium Hypochlorite 5% by Weight"; whereas it contained less than 5 percent of sodium hypochlorite by weight and more than 95 percent of inert ingredients.

It was alleged to be misbranded in that the statements, "Inert Ingredients 95% Sodium Hypochlorite 5% by Weight" and "Cleansing, Disinfecting and Deodorizing—Porcelain, Tile, Marble, Enamel and Glassware, Woodwork, etc.—Use two tablespoonfuls of Sunny Clean to each quart of lukewarm water. Rinse and dry," borne on the label, were false and misleading and by reason of the said statements it was labeled so as to deceive and mislead the purchaser since they represented that it contained not more than 95 percent of inert ingredients and not less than 5 percent of sodium hypochlorite by weight and would disinfect porcelain, tile, marble, enamel, glassware and woodwork when used as directed; whereas it contained more than 95 percent of inert ingredients, less than 5 percent of sodium hypochlorite by weight and when used as directed, it would not disinfect porcelain, tile, marble, enamel, glassware, or woodwork.

On March 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1676. Adulteration and misbranding of Germalene Pine Disinfectant and Deodorant. U. S. v. One 75-Gallon Drum of Germalene Pine Disinfectant and Deodorant. Default decree of condemnation and destruction. (I. & F. No. 2112. Sample No. 62543-D.)

This product contained an inert ingredient, water, in excess of the amount declared on the label. The labeling also bore false and misleading representations regarding its effectiveness as a disinfectant and deodorant.

On or about February 21, 1939, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 75-gallon drum of Germalene Pine Disinfectant and Deodorant at Alexandria, La.; alleging that the article had been shipped in interstate commerce on or about November 7, 1938, by the Germalene Chemical Co., Inc., from Houston, Tex.; and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled "Inert Matter, Water, not more than 17 per cent. * * * Inert Matter not over 17%"; whereas it contained water as the inert ingredient in a proportion of more than 17 percent.

It was alleged to be misbranded in that the statements, "Inert Matter, Water, not more than 17 per cent. Inert Matter not over 17% * * * Disinfectant * * * For use in the Home, Hospital, Jail, Institutions, and public buildings * * * Efficient and effective for use around garbage cans, lavatories, stables, cuspidors, and other places where the use of a reliable disinfectant and deodorant is desirable. Directions for Use For ordinary cleaning and disinfecting purposes use a dilution of one part Pine Disinfectant to 50 parts of water," borne on the drum label, were false and misleading and by reason of the said statements it was labeled so as to deceive and mislead the purchaser since they represented that it contained water as inert matter in a proportion of not more than 17 percent, and when used as directed was an effective and reliable disinfectant for use in the home, hospital, jail, institutions, and public buildings, and was efficient and effective for use around garbage cans, lavatories, stables,

cuspidors, and other places where the use of a reliable disinfectant and deodorant was desirable; whereas it contained water as the inert ingredient in a proportion of more than 17 percent, and when used as directed would not be effective for the said purposes.

On May 2, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1677. Misbranding of Menderth. U. S. v. Menderth, Inc. Plea of guilty. Fine, \$10. (I. & F. No. 1015. Sample No. 12315-C.)

The labeling of this product bore false and misleading representations regarding its effectiveness in the control of certain insects and plant diseases and failed to declare the inert substances present in the article.

On November 19, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Menderth, Inc., trading at Boston, Mass., alleging shipment by said company on or about May 14, 1937, from the State of Maine into the State of Massachusetts of a quantity of Menderth, which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

Misbranding of the article was alleged in that the statements, "Corn Borer Control Directions for proper use of Menderth for growing sweet corn and controlling the ravages of the Corn Borer and Ear Worm. The most satisfactory results are obtained by placing Menderth directly under and near the seed. This is perfectly safe, as Menderth does Not burn roots or foliage. The best way to use Menderth is to put a handful in each hill—mix a little with the soil—drop the seeds right in it—cover with soil and tamp down with a hoe. If planted in rows, Menderth should be thrown in the furrow by hand; or put in with the drill or seed planter. When the stalks are about six inches tall, or after the second or third leaf appears, dust the stalk with Menderth, so the material will lodge in the joint between leaf and stalk. This is where the borer usually starts his work. Repeat the dusting as above, as often as new leaves appear. When the stalk tassels, dust it thoroughly with Menderth; and when the corn approaches maturity and the silk appears, dust the silk also with Menderth to guard against the ravages of the ear worm. If not checked, ear worms may cause more damage than the borer," "Menderth is not an insecticide, but insects do not like it and will not stay where they come in contact with it. Use it freely and often for dusting purposes," "Mr. C. C. Dexter wrote as follows: 'Menderth has overcome the diseases that were destroying the perennials—and in the vegetable garden, has given a vigor and quality we could not obtain without it,'" appearing in the circular shipped with the article were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead purchasers since they represented that it would be effective against the corn borer and corn-ear worm and would be effective to keep insects away when used as directed, and would be effective to overcome the diseases of perennials and vegetables as indicated therein; whereas it would not be effective against the corn borer or corn-ear worm, would not keep insects away when used as directed, and would not be effective to overcome the diseases of perennials and vegetables as indicated.

The article was alleged to be misbranded further in that it consisted completely of inert substances or ingredients and the name and percentage amount of each substance or ingredient present therein were not stated plainly and correctly on the label; nor did the label bear a statement to the effect that the substances or ingredients contained in the article were inert.

On March 28, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1678. Alleged misbranding of Red Star Moth Chaser. U. S. v. Raymond B. Meyer and Joseph E. Meyer (Indiana Botanic Gardens). Demurrer to information filed by both defendants; sustained as to Joseph E. Meyer; overruled as to Raymond B. Meyer. Case dismissed as to both defendants. (I. & F. No. 1762. Sample Nos. 28262-A, 55868-A.)

On April 20, 1935, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Robert B. Meyer (subsequently corrected to Raymond B. Meyer) trustee and trust-general manager of the Common Law Trust Indiana Botanic Gardens, Joseph E. Meyer, Hammond, Ind., charging shipment by said defendants on or about July 6, 1933, and June 25, 1934, from

the State of Indiana into the State of Illinois of quantities of Red Star Moth Chaser which was alleged to be misbranded.

The information alleged that the article was misbranded in that the following statements, (label in earlier shipment) "Red Star Moth Chaser. This is a scientific product, the fumes of which are heavier than air and destroys moths and their larvae * * * Directions: Hang it in a bag among clothes or place on the top of clothes in cedar chest. Nothing better can be made" (label in later shipment) "Red Star Moth Chaser. A fumigant for killing moths and their larvae. * * * Directions: Place the contents in one or more cloth bags and hang them among the clothes," were false and misleading and by reason of said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that, when used as directed, it would (in the case of the former), destroy moths and moth larvae under all conditions and (in the case of the latter) be effective for killing moths under all conditions, whereas the article would not be effective for the said purposes.

It was alleged to be misbranded further in that it consisted partially of an inert substance, namely, cedarwood exclusive of cedarwood oil, and the name and percentage amount of the said inert substance were not stated plainly and correctly on the label affixed to each of the cartons containing it; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having insecticidal properties and the total percentage of the inert substance present stated plainly and correctly on the label.

On November 5, 1935, the defendant Raymond B. Meyer filed a demurrer, which was argued March 23, 1936, and overruled. On May 2, 1936, defendant Joseph E. Meyer filed a demurrer, which was argued on May 15, 1936, and sustained by the court on the ground that the information did not state an offense as to Joseph E. Meyer and the case was dismissed as to the said defendant.

On February 10, 1939, the court dismissed the information as to Raymond B. Meyer without opinion.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1679. Misbranding of Staggs' One Dose Bot and Worm Capsules. U. S. v. Cecil H. Staggs (C. H. Staggs & Sons). Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 8 months. (I. & F. No. 2004. Sample No. 19882-C.)

The labeling of this product bore false and misleading representations regarding its effectiveness for the removal of bots from horses, colts, and mules.

On March 1, 1938, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Cecil H. Staggs, trading as C. H. Staggs & Sons, Minneapolis, Minn., alleging shipment by said defendant on or about March 10, 1937, from the State of Minnesota into the State of Wisconsin, of a quantity of Staggs' One Dose Bot and Worm Capsules which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead purchasers since they represented that when used as directed, it would be effective for the removal of bots from horses, colts, and mules; whereas, it would not be effective for such purposes when used as directed: (Can label) "Staggs' One Dose Bot * * * Capsules Recommended for Removal of Bots * * * from Horses, Colts and Mules in about 30 Hours * * * 'Staggs' One Dose Bot * * * are prepared under supervision of Registered Pharmacist. * * * The gas is absorbed by the parasites which kills them"; (large circular) "Rid Your Horses Of Bots * * * Hundreds of Horses Being Treated for Bots * * * Horse Owners Save Hundreds of Dollars * * * The results of the treatment were surprising. A large number of bots * * * were expelled from animals in the best of condition. Many others reported the better condition of their animals in a few weeks and the annoyance from the Nose Bot Flies being greatly reduced the following summer. Several thousand horses, colts and mules given Liquid Capsule treatment, proves that almost 100% harbor Bots * * * Tests Prove Effective The Liquid Capsule Treatment almost 100% effective. Treat With The Best The treatment recommended by U. S. Dep't. of Agriculture, Agricultural Colleges. The Liquid Capsule Treatment * * * 'Staggs' Liquid One Dose Bot * * * Capsule Treatment expells internal parasites (bots * * *) in about 30 hours, with a single treatment and is considered by experts to be reliable and efficient and has been on the market

24 years, the original one dose sealed capsule treatment. Nose Bot Flies Can Be Controlled The treatment, especially if conducted on a community basis, is very profitable, the annoyance from the nose bot flies and throat bot flies being greatly reduced (next summer) and the ill effect of the Bots (colic and indigestion) practically eliminated. Time To Treat Now—And Save Money"; (small circular) "Rid Your Horses of Bots * * * The gas is absorbed by the parasites which kills them."

The information charged that the article was also misbranded in violation of the Food and Drugs Act, reported in notice of judgment No. 30603 published under that act.

On February 13, 1939, the defendant entered a plea of nolo contendere. Sentence was deferred to April 10, 1939, on which date the imposition of sentence was suspended, and the defendant was placed on probation for a period of 8 months.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1680. Adulteration and misbranding of mercury oxycyanide tablets and Bar-doxy Tablets (mercury oxycyanide tablets). U. S. v. C. R. Bard, Inc. Plea of guilty. Fine, \$150. (I. & F. No. 2094. Sample Nos. 26092-D, 76101-C.)

This product was adulterated and misbranded because other substances had been substituted in part for mercury oxycyanide, which it purported to be. It was misbranded further because of false and misleading claims in the labeling regarding its sterilizing properties, and because of failure to declare the inert ingredients present.

On February 24, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against C. R. Bard, Inc., New York, N. Y., alleging shipment by said company on or about October 14, 1937, and August 10, 1938, from the State of New York into the States of Pennsylvania and New Jersey, respectively, of quantities of mercury oxycyanide tablets which were adulterated and misbranded.

The article was alleged to be adulterated in that other substances, namely, mercuric cyanide, sodium chloride, ammonium chloride, boric acid, and coloring matter had been substituted in part for mercury oxycyanide.

The article was alleged to be misbranded in that the statements, (both lots) "Mercury Oxycyanide" and "For sterilizing surgical instruments. Immerse instruments for 15 minutes in 1:3000 solution (1 tablet to quart water). Especially prepared for the sterilization of catheters, bougies and systoscopes and other lense instruments," and (one lot) "100 Tablets 0.316 Gm. Each Mercury Oxycyanide," appearing in the labeling, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that it consisted wholly of mercury oxycyanide and that it would sterilize instruments, and (in the case of one lot) that it would be effective in the disinfection of instruments and that each tablet contained not less than 0.316 gram of mercury oxycyanide; whereas it did not consist wholly of mercury oxycyanide and would not sterilize instruments, and in the said lot it would not be effective in the disinfection of instruments and each tablet thereof contained less than 0.316 gram of mercury oxycyanide.

The article was alleged to be misbranded further in that it consisted partially of inert substances, namely, substances other than mercuric oxycyanide and mercuric cyanide, namely, sodium chloride, ammonium chloride, boric acid, and coloring matter, which substances do not prevent, destroy, repel, or mitigate fungi (bacteria), and it did not have the name and percentage amount of each of the said inert ingredients stated on the label; nor in lieu thereof did the label bear a statement of the name and percentage amount of each ingredient having fungicidal properties and the total percentage of inert ingredients present in the article.

On March 20, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$150.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1681. Misbranding of Weinkle's Pine Cleanser. U. S. v. 1 Drum of Weinkle's Pine Cleanser. Default decree of condemnation and destruction. (I. & F. No. 2114. Sample No. 10469-D.)

The labeling of this product bore false and misleading representations regarding its effectiveness as a disinfectant, and also failed to bear a statement indicating the inert ingredients present in the article.

On or about March 24, 1939, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 33-gallon drum of Weinkle's Pine Cleanser at Fernandina, Fla.; alleging that the article had been shipped in interstate commerce on or about January 20, 1939, by the Weinkle Co. from Atlanta, Ga.; and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of an inert substance, namely, water, which substance does not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of such inert substance was not stated plainly and correctly on the drum label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties and the total percentage of the inert substance present stated plainly and correctly on the label. It was alleged to be misbranded further in that the statement "Use one-half to one pint to three gallons of water. Disinfects," borne on the drum label, was false and misleading and by reason of the said statement, it was labeled so as to deceive and mislead the purchaser since it represented that the article when used as directed would disinfect; whereas the article when used as directed would not disinfect.

On April 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1682. Misbranding of Worth Insect Spray and Worth Stock and Cattle Spray. U. S. v. Milton L. Amshel (Exserco Products Co.). Plea of nolo contendere. Fine, \$40 and costs. (I. & F. No. 2107. Sample Nos. 29592-D, 29593-D.)

These products were both misbranded because of false and misleading representations in the labeling regarding their effectiveness in the control of certain insects. The Stock and Cattle Spray was misbranded further because the labeling falsely represented that the article would not contaminate milk, and because the cans contained less than the volume declared.

On March 14, 1939, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Milton L. Amshel trading as the Exserco Products Co., at Pittsburgh, Pa., alleging shipment by said defendant on or about August 1 and 6, 1938, from the State of Pennsylvania into the State of Ohio of quantities of Worth Insect Spray and Worth Stock and Cattle Spray, which were misbranded insecticides within the meaning of the Insecticide Act of 1910.

The Insect Spray was alleged to be misbranded in that the following statements borne on the can label, "Worth Insect Spray Kills Flies * * * Flies * * * Spray room with Worth Insect Spray, spraying upwards in all directions. Keep doors and windows closed for 10 minutes. Moth and Silverfish: Thoroughly brush the garment, then spray Worth Insect Spray everywhere under seams, collars, etc. Worth Insect Spray will not stain or damage furs, cloth, silks, rugs, or fabric of any kind. This Insecticide will kill all larvae and eggs with which it comes in thorough contact," were false and misleading and by reason of the said statements was labeled so as to deceive and mislead the purchaser since they represented that when used as directed, it would kill flies and would control moth and silverfish; whereas when used as directed it would not kill flies and would not control moth and silverfish.

The Stock and Cattle Spray was alleged to be misbranded in that the following statements borne on the can label, "Rigid tests show that the use of Worth Cattle Spray in the milking room does not contaminate the milk," "The sprayer used must produce a fine, foggy mist that will remain suspended in the air some time to contact the flies that fly about, if your cattle spray is intended to be used as an insect control and not simply as a repellant. If your spray is designed to be principally a repellant, a heavier mist may be desirable. * * * When used strictly for a cattle spray as a repellant, recommend that 2 oz. of Worth Cattle Spray be used for an average dairy cow. * * * Worth Cattle Spray should be applied as a repellant once or twice daily, depending on the conditions," and "Contents one Gallon," were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead the purchaser since they represented that it would not contaminate the milk if the spray were allowed to come in contact with the teats of the cows and the

milking utensils; that the article would be an effective repellent against all varieties of flies that attack and annoy cattle and that the cans each contained 1 gallon; whereas it would contaminate the milk if the spray were allowed to come in contact with the teats of cows and the milking utensils; it would not be an effective repellent against all varieties of flies which attack or annoy cattle, and the quantity of contents of the cans was less than 1 gallon.

On May 18, 1939, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1683. Misbranding of Verdo Plant Insecticide. U. S. v. Cenol Co. Plea of guilty. Fine, \$300 and costs. (I. & F. No. 2105. Sample No. 21626-D.)

The labeling of this product bore false and misleading representations regarding its effectiveness in the control of certain insects.

On March 16, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cenol Co., a corporation, Chicago, Ill., alleging shipment by said company on or about February 12, 1938, from the State of Illinois into the State of Indiana of a quantity of Verdo Plant Insecticide, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the bottles and cartons, "Verdo Plant Insecticide * * * For * * * thrips * * * use of dilution of 1-800. For * * * leaf tiers, * * * use a dilution of 1-300. For * * * Japanese beetles * * * use a dilution of 1-200," were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead the purchaser since they represented that when used as directed, it would control thrips, leaf tiers, and Japanese beetles; whereas when used as directed it would not control thrips, leaf tiers, and Japanese beetles.

On May 22, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$300 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1684. Misbranding of Willson's Chlorine Crystals. U. S. v. Willson Monarch Laboratories, Inc. Plea of *nolo contendere*. Fine, \$10. (I. & F. No. 2026. Sample No. 34163-C.)

This product was labeled to indicate that it was a compound of chlorine crystals and possessed the properties of chlorine; whereas it consisted of paradichlorobenzene. Its labeling bore false and misleading representations regarding its effectiveness in the control of moths and falsely represented that it was nonpoisonous.

On February 5, 1938, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Willson Monarch Laboratories, Inc., Edgerton, Wis., alleging shipment by said defendant on or about April 2, 1937, from the State of Wisconsin into the State of Illinois of a quantity of Willson's Chlorine Crystals, which were a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statement "Willson's Chlorine Crystals" was false and misleading in that it implied that the article was a compound of chlorine crystals and possessed the properties of chlorine; whereas it was neither so compounded nor did it contain such properties. It was alleged to be misbranded further in that the statements, "To eliminate the objectionable odors of cooked or burnt food, stale tobacco smoke, etc., simply sprinkle a few Willson's Chlorine Crystals on the floor where the odors exist. The crystals will evaporate leaving the air clean and fresh," "To control moths Willson's Chlorine Crystals should be sprinkled between the folds of clothes, blankets, furs, etc., as they are placed in the trunk or cedar chest, also sprinkle on shelves and floor of closet," and "Non-Poisonous," borne on the carton label, were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead the purchaser since when used as directed it would not eliminate odors and leave the air fresh and clean, and would not be an effective control against moths under all conditions, and it was poisonous.

The charges under the Insecticide Act of 1910 were set forth in one count of the information, which also charged misbranding of 6 other products in violation of the Food and Drugs Act, reported in notice of judgment No. 30602 published under that act.

On February 10, 1939, a plea of *nolo contendere* was entered on behalf of the defendant and the court imposed a fine of \$10 on each count.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1685. Misbranding of Barcolene. U. S. v. 420 Bottles of Barcolene. Default decree of condemnation. Product ordered delivered to charitable or relief organization. (I. & F. No. 2121. Sample No. 60041-D.)

The labeling of this product bore false and misleading representations regarding its effectiveness as a germicide and deodorant. It also bore false and misleading representations that the article was nonpoisonous, and failed to bear a declaration of the inert ingredients present.

On March 20, 1939, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 420 bottles of Barcolene at Scranton, Pa.; alleging that the article had been shipped in interstate commerce on or about February 14 and 27, 1939, by Barco Products from New York, N. Y.; and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of inert substances, namely, water and mineral oil, which do not prevent, destroy, repel, or mitigate fungi (bacteria) and the name and the percentage amount of each substance or ingredient so present therein were not stated plainly and correctly on the bottle label; nor in lieu thereof were the name and the percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substance or ingredients so present therein stated plainly and correctly on the bottle label. It was alleged to be misbranded further in that the statements, "Harmless," and "All Purpose Cleaner Cleaner, Water Softener, Germicide, Deodorant—All in One In your cleaning Eliminates the use of any and all other types of: Soaps, Washing Powders, Scouring Powders, Disinfectants, Etc. * * * Directions: For Dishes, silverware, pots, etc. $\frac{1}{2}$ teaspoonful in basin of water. For mopping, scrubbing, etc: One Tablespoonful to 2 gallons of water. Dose can be increased as desired depending upon amount and hardness of dirt to be removed. For washing painted walls and woodwork: One teaspoonful to 1 gallon water. For marble, walls, granite, stone, concrete, terraces * * * One tablespoonful to 2 gallons of water. For washing clothes: Two tablespoonfuls to 5 gallons water, soak clothes for one hour in hot water. Souse a few times, wring out, rinse 2 or 3 times in clean water. Add bluing in usual way. No boiling required * * * For rugs and upholstery: $\frac{1}{2}$ teaspoonful to $\frac{1}{2}$ gallon water. Use sponge or brush, stroke surface with nap. Then repeat with clean water. Then gather up water by wiping with sponge. Allow to dry. Same for upholstery For mechanics' hands: Moisten hands with water, using enough cleaner to go on tip of finger, rub hands in usual way, then rinse with clean water. Any amount can be used as material is entirely harmless, but its action is so effective that only a small amount is necessary," borne on the bottle label, were false and misleading and by reason of the said statements it was labeled so as to deceive and mislead the purchaser since they represented that when used as directed, it was harmless and nonpoisonous, that it would disinfect the said places and things and was an effective disinfectant in the dilution specified; whereas it was not harmless and nonpoisonous, it would not disinfect said places and things, and it was not an effective disinfectant in the dilution specified when used as directed.

On May 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable or relief organization or destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1686. Misbranding of Getem Fly Spray and adulteration and misbranding of Getem Ant Poison. U. S. v. Luther M. Church (Getem Manufacturing Co.). Plea of guilty. Fine, \$5. (I. & F. No. 2078. Sample Nos. 17448-D, 17449-D.)

This case involved a shipment of fly spray which was falsely represented to be nonpoisonous, and one of ant poison which contained a smaller proportion of arsenic than declared. The label of the latter bore false and misleading representations regarding its effectiveness in the control of ants, and also failed to declare the inert ingredients present in the article.

On April 18, 1939, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Luther M. Church, trading as the Getem

Manufacturing Co., alleging shipment by said defendant on or about February 25, 1938, from the State of Virginia into the State of Maryland, of a quantity of Getem Fly Spray which was misbranded, and of a quantity of Getem Ant Poison which was adulterated and misbranded within the meaning of the Insecticide Act of 1910.

The fly spray was alleged to be misbranded in that the statement "It is non-poisonous," borne on the label attached to the drum containing it, was false and misleading, and by reason of the said statement it was labeled so as to deceive and mislead the purchaser since it was poisonous.

The ant poison was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that the statement on the bottle label, "Active Ingredients: Arsenic 2.25%," represented that it contained arsenic as the active ingredient in a proportion of not less than 2.25 percent; whereas it did not contain arsenic as the active ingredient but did contain sodium arsenite as the active ingredient and arsenic in a proportion of less than 2.25 percent. The ant poison was alleged to be misbranded in that it contained arsenic, and the amount of arsenic in water-soluble form, expressed as percentum of metallic arsenic, was not stated on the label. It was alleged to be misbranded further in that the statements, "Getem Ant Poison This poison is carried to the nest and gets the ants at their source Directions—Drop 10 or 15 drops around where you see the ants working or saturate small pieces of bread or cake, leaving some around. Ants will disappear in 48 hours," borne on the bottle label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that it would be effective against all species of ants infesting houses; whereas it would not be effective against all species of ants infesting houses. The ant poison was alleged to be misbranded further in that it consisted partially of inert substances or ingredients, which substances do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each inert substance so present were not stated plainly and correctly on the bottle label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having insecticidal properties and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the said label.

On May 2, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$5.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1687. Adulteration and misbranding of Del-Tox. U. S. v. 400 Bottles of Del-Tox. Default decree of condemnation and destruction. (I. & F. Nos. 2111, 2117. Sample Nos. 34589-D, 34600-D, 35021-D, 35025-D.)

This product contained a smaller proportion of sodium hypochlorite, the active ingredient, and a larger proportion of the inert ingredients than declared. Its labeling also bore false and misleading representations regarding its effectiveness as a sterilizer.

On January 31 and March 14, 1939, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 400 bottles of Del-Tox at Suffolk, Va., and 150 bottles of Del-Tox at Newport News, Va.; alleging that the article had been shipped in interstate commerce on or about November 12, 1938, and January 18, 1939, by Del-Tox Chemical Co. from Baltimore, Md.; and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was labeled "Active Ingredients—Sodium Hypochlorite 5% Inert Ingredients 95% By Volume"; whereas it contained less than 5 percent of sodium hypochlorite and more than 95 percent of inert ingredients.

It was alleged to be misbranded in that the following statements, (bottle label) "Active Ingredients—Sodium Hypochlorite 5% Inert Ingredients 95% by Volume," and (carton) "Sterilizes," were false and misleading and by reason of the said statements it was labeled so as to deceive and mislead the purchaser, in that they represented that it contained not less than 5 percent of sodium hypochlorite and not more than 95 percent of inert ingredients, and when used as directed would be effective to sterilize; whereas it contained less than 5 percent of sodium hypochlorite and more than 95 percent of inert ingredients, and it would not sterilize.

On May 23, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1688. Misbranding of Herpicide Disinfectant Tabs. U. S. v. Ar. Winarick, Inc. Plea of guilty. Fine, \$50. (I. & F. No. 2080. Sample No. 31308-D.)

The labeling of this product bore false and misleading representations regarding its strength and its disinfectant properties, and it also failed to declare the inert ingredients present.

On December 8, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ar. Winarick, Inc., New York, N. Y., alleging shipment by said company on or about March 10, 1938, from the State of New York into the State of Ohio of a quantity of Herpicide Disinfectant Tabs which were a misbranded fungicide within the meaning of the Insecticide Act of 1910. The article was labeled in part: "The Herpicide Co. Inc. New York, N. Y."

It was alleged to be misbranded in that the following statements borne on the jar labels, "To make the Standard 1:5000 solution, dissolve one Herpicide Disinfectant Tab in 1 pint of water or 8 Tabs in 1 gallon. Bacteriological tests show that a 1:5000 solution is equivalent to a 5% solution of phenol (Carbolic Acid) when tested on the organism *Eberthella typhi*. This solution made and used in accordance with directions meets general sanitary requirements, and complies in a practical way with laws requiring tools, brushes, etc., to be dipped in a disinfecting solution of proper germicidal strength, before using. * * * For General Disinfecting Purposes, such as Barber and Beauty Shop Tools, brushes, etc., also surgical and dental instruments," were false and misleading and by reason of the said statements, it was labeled so as to deceive and mislead the purchaser in that they represented that a 1:5000 solution of the article would be equivalent to a 5 percent solution of phenol under all conditions where phenol would be effective, and that it would be an effective disinfectant for general disinfecting purposes such as barber and beauty shop tools, brushes, etc., and for surgical and dental instruments; whereas a 1:5000 solution of the product would not be equivalent to a 5-percent solution of phenol under all conditions where phenol would be effective, and the article would not be an effective disinfectant for general disinfecting purposes such as barber and beauty shop tools, brushes, etc., and for surgical and dental instruments.

The article was alleged to be misbranded further in that it consisted partially of inert substances or ingredients (substances other than mercuric iodide) which do not prevent, destroy, repel, or mitigate fungi (bacteria) and the name and percentage amount of such inert substances present therein were not stated plainly and correctly on the jar label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substances present therein stated plainly and correctly on the label.

On January 20, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1689. Adulteration and misbranding of Grasselli Calcium Arsenate. U. S. v. 64 Cases of Grasselli Calcium Arsenate. Consent decree of condemnation. Product released under bond. (I. & F. No. 2123. Sample No. 37726-D.)

This product was intended for use on vegetation but contained a substance, or substances, which would be injurious to vegetation when used as directed. It contained water-soluble arsenic, expressed as metallic arsenic, in excess of the amount declared.

On April 13, 1939, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 cases of Grasselli Calcium Arsenate at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about March 12, 1937, by E. I. Dupont de Nemours, Grasselli Chemicals Departments, from Grasselli, Ind.; and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

Adulteration was alleged in that the article was intended for use on vegetation but contained a substance, or substances, injurious to vegetation when used as directed.

Misbranding was alleged in that the statement "Water Soluble Arsenic as Metallic Arsenic not over 0.45%," borne on the labels of the bags containing the article, were false and misleading and by reason of the said statement, the article was labeled so as to deceive and mislead the purchaser in that it represented that the article contained no more than 0.45 percent of water-soluble arsenic, expressed as metallic soluble arsenic; whereas it contained more than 0.45 percent of water-soluble arsenic, expressed as metallic soluble arsenic.

On June 7, 1939, E. I. Dupont de Nemours & Co., Wilmington, Del., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked into a legal insecticide, and used in poison baits for insects or for other purposes authorized by the Insecticide Act of 1910.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

1690. Misbranding of San-O-Sen Antiseptic Spray. U. S. v. Palustrepine, Inc. Plea of guilty. Fine, \$100 and costs. (I. & F. No. 2058. Sample No. 8747-D.)

The labels of this product bore false and misleading representations regarding its effectiveness as an antiseptic, and failed to indicate the inert ingredient present in the article.

On August 31, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Palustrepine, Inc., Chicago, Ill., alleging shipment by the said company within the period from on or about September 17 to on or about November 2, 1937, from the State of Illinois into the State of Michigan of a quantity of San-O-Sen Antiseptic Spray which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statement "Sano-Sen Spray is an effective antiseptic for all household purposes," borne on the bottle label, was false and misleading and by reason of the said statement, it was labeled so as to deceive and mislead the purchaser in that the said statement represented that it would be an effective antiseptic for all household uses; whereas when used as directed, it would not be an effective antiseptic for all household uses. Further misbranding was alleged in that the article consisted partially of an inert substance, namely, water, which substance does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of such inert substance were not plainly and correctly stated on the bottle labels; nor in lieu thereof were the name and percentage amount of each substance or ingredient having insecticidal or fungicidal properties, and the total percentage of the inert substances present in the article stated plainly and correctly on the label.

The information charged that the article was also misbranded in violation of the Food and Drugs Act, reported in notice of judgment No. 30640 published under that act.

On April 11, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 and costs for violation of both acts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

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¹ Prosecution contested.

